

## PROFESSIONAL LICENSURE DIVISION[645]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 147.76, the Board of Cosmetology Arts and Sciences hereby gives Notice of Intended Action to rescind Chapter 59, "Administrative and Regulatory Authority for the Board of Cosmetology Arts and Sciences," to amend Chapter 60, "Licensure of Cosmetologists, Electrologists, Estheticians, Manicurists, Nail Technologists, and Instructors of Cosmetology Arts and Sciences," and Chapter 61, "Licensure of Salons and Schools of Cosmetology Arts and Sciences," to rescind Chapter 62, "Fees," and to amend Chapter 63, "Sanitation for Salons and Schools of Cosmetology Arts and Sciences," Chapter 64, "Continuing Education for Cosmetology Arts and Sciences," and Chapter 65, "Discipline for Cosmetology Arts and Sciences Licensees, Instructors, Salons, and Schools," Iowa Administrative Code.

The proposed amendments rescind duplicative language found in 645—Chapters 4 and 5; clarify documentation requirements for licensure; update educational requirements for instructors to be consistent with educational programs available for instructor applicants; amend training requirements for certification in microdermabrasion, chemical peels, laser and intense pulsed light (IPL) based on public comments received following the adoption of amendments published as **ARC 6410B** in the November 21, 2007, issue of the Iowa Administrative Bulletin; reduce hours of continuing education required for license reactivation to be consistent with continuing education requirements for license renewal; clarify posting requirements for demonstrator permits, salons, and schools; and update rules to be consistent with legislative changes promulgated by 2008 Iowa Acts, House File 2212.

Any interested person may make written comments on the proposed amendments no later than November 4, 2008, addressed to Ella Mae Baird, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail [ebaird@idph.state.ia.us](mailto:ebaird@idph.state.ia.us).

A public hearing will be held on Tuesday, November 4, 2008, from 9 to 9:30 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

These amendments are intended to implement Iowa Code chapters 21, 147, 157 and 272C.

The following amendments are proposed.

ITEM 1. Rescind and reserve **645—Chapter 59**.

ITEM 2. Amend paragraph **60.2(1)"b"** as follows:

*b.* Direct the educational program to submit to the board a diploma or an official transcript of grades in each practice discipline for which the applicant is requesting licensure. The transcript shall denote the date of completion of training at a school approved by the board. Any instances in which a transcript is unavailable due to documented loss or destruction of records or other extenuating circumstance shall be considered by the board on a case-by-case basis. If the applicant graduated from a school that is not licensed by the board, the applicant shall direct the school to provide an official transcript showing completion of a course of study that meets the requirements of rule 645—61.14(157). If educated outside the United States, the applicant shall attach an original evaluation of the applicant's education from World Education Services (WES) or any other accredited evaluation service. An applicant may obtain an application for evaluation by contacting WES at (212)966-6311, or by writing to WES, P.O. Box 5087, Bowling Green Station, New York, New York 10274-5087.

ITEM 3. Amend paragraphs **60.2(2)“c”** and **“d”** as follows:

c. Provide documentation of completion of 1,000 hours of instructor’s training ~~with curriculum content to be determined by the board~~ or two years’ active practice in the field of cosmetology within six years prior to application;

d. Submit proof of ~~attendance at an advanced instructor’s institute prescribed by the board~~ completion of an instructor methods training course consisting of at least 16 hours;

ITEM 4. Amend subparagraph **60.4(1)“b”(1)** as follows:

(1) Complete 14 contact hours of education specific to the material or apparatus used for microdermabrasion. ~~If more than one machine is used or if the licensee changes equipment, the licensee is required to obtain an additional 14 hours of training specific to that equipment.~~ Before an additional material or apparatus is utilized in the licensee’s practice, the licensee shall provide official certification of training on the material or apparatus.

ITEM 5. Amend subparagraph **60.4(2)“c”(1)** as follows:

(1) Complete 21 hours of training specific to the process and products to be used for chemical peels. Before an additional process or product is utilized in the licensee’s practice, the licensee shall provide official certification of training on the new process or product.

ITEM 6. Amend subparagraph **60.4(3)“f”(1)** as follows:

(1) Complete 40 hours of training specific to each laser machine, model or device to be used for laser services. Before an additional machine, model or device is utilized in the licensee’s practice, the licensee shall submit official certification of training on the new machine, model or device.

ITEM 7. Amend subparagraph **60.4(4)“e”(1)** as follows:

(1) Complete 40 hours of training specific to each IPL machine, model or device to be used for IPL hair removal services. Before an additional machine, model or device is utilized in the licensee’s practice, the licensee shall submit official certification of training on the new machine, model or device.

ITEM 8. Amend rule 645—60.9(157) as follows:

**645—60.9(157) Temporary permits.** The board may issue a temporary permit for the purpose of demonstrating cosmetology arts and sciences services to the consuming public or for providing cosmetology arts and sciences services to the consuming public at not-for-profit events.

1. The permit shall be valid for (name of a specific event) for a salon, school, or person. The location, purpose and duration of the permit shall be stated on the permit. The permit shall be posted and visible to the public at the location where the services are provided.

2. to 6. No change.

ITEM 9. Rescind and reserve rules **645—60.12(147)**, **645—60.15(147)** and **645—60.16(272C)**.

ITEM 10. Amend subparagraph **60.17(3)“a”(2)** as follows:

(2) Verification of completion of ~~42~~ 8 hours of continuing education that meet the continuing education standards defined in rule 645—64.3(157,272C) within two years of application for reactivation.

ITEM 11. Amend subparagraph **60.17(3)“b”(2)** as follows:

(2) Verification of completion of ~~24~~ 16 hours of continuing education that meet the continuing education standards defined in rule 645—64.3(157,272C) within two years of application for reactivation.

ITEM 12. Amend subrule 61.5(3) as follows:

**61.5(3)** The original license certificate, duplicate certificate, or reissued certificate for each licensee working in the salon shall be visibly displayed in the reception area at eye level ~~for each licensee and temporary permit holder employed by the salon.~~

ITEM 13. Amend subrule 61.10(3) as follows:

**61.10(3)** The original license certificate, duplicate certificate, or reissued certificate for each instructor working at the school shall be visibly displayed ~~for each instructor employed by the school~~ in the reception area at eye level.

ITEM 14. Rescind and reserve rule ~~645—61.11(147)~~.

ITEM 15. Rescind and reserve ~~645—Chapter 62~~.

ITEM 16. Amend rule 645—63.8(157) as follows:

**~~645—63.8(157) Smoking.~~** All salons licensed by the board shall comply with the smokefree air Act, 2008 Iowa Acts, House File 2212.

~~**63.8(1)** No smoking by any licensee or student is allowed while the licensee or student is actively engaged in serving the public.~~

~~**63.8(2)** An entire salon may be designated by the salon owner or manager as a nonsmoking area.~~

~~**63.8(3)** The client service and dispensary areas of the salons shall be designated as nonsmoking areas.~~

~~**63.8(4)** No person shall smoke or carry lighted smoking material in a nonsmoking area.~~

~~**63.8(5)** Signs must be posted indicating smoking and nonsmoking areas.~~

ITEM 17. Rescind and reserve rules ~~645—64.4(157,272C), 645—64.5(157,272C), 645—64.6(157,272C) and 645—64.9(157,272C).~~

ITEM 18. Rescind and reserve rule ~~645—65.6(157)~~.